

MAGGIE E. SCHROEDTER, ESQ. (Bar No. 270377)
maggie@theRSfirm.com
CHRISTINE M. FITZGERALD, ESQ. (Bar No. 259014)
christine@theRSfirm.com
ROBBERSON SCHROEDTER LLP
501 West Broadway, Suite 1250
San Diego, CA 92101
(619) 353-5691

Attorneys for Plaintiffs
IVY PAO JIHU HO, MING SEN IVAN HO,
CAH PROPERTIES, INC., and KJT, INC.

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re

DIAMOND CREEK VILLA, LLC,
Debtor.

Case No.: 22-51125

Chapter 7

Adv. No. 23-05009

IVY PAO JIUH HO and MING SEN
IVAN HO, individually and as Trustees of
the Ming Sen Ivan Ho & Ivy Pao Jiu Ho
Family Trust, CAH PROPERTIES, INC.,
a California Corporation; and KJT, INC.,
a California Corporation,

**STIPULATION TO REMAND
ADVERSARY PROCEEDING TO
STATE COURT**

Judge: Hon. M Elaine Hammond

Plaintiffs,

v.

BETHANY S. LIOU; MONTEREY
DYNASTY LLC; DIAMOND CREEK
VILLA LLC; AND DOES 1-20,

Defendants.

**IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES AS
FOLLOWS:**

Plaintiffs IVY PAO JIHU HO, MING SEN IVAN HO, individually and as
Trustees of the Ming Sen Ivan Ho & Ivy Pao Jiu Ho Family Trust, CAH
PROPERTIES, INC., and KJT, INC. (collectively "Plaintiffs"), Janina M. Hoskins,
Chapter 7 Trustee of Debtor/Defendant, DIAMOND CREEK VILLA LLC, and non-

1 debtor defendants BETHANY S. LIOU and MONTEREY DYNASTY LLC;
2 (collectively “Defendants”) (Plaintiffs and Defendants shall be collectively referred
3 to as the “Parties”), by and through their respective counsel of record, hereby
4 respectfully request that this Bankruptcy Court enter an Order remanding this
5 adversary proceeding to state court.

6 WHEREAS, on March 15, 2023 pursuant to 28 U.S.C. section 1452, a Notice
7 of Removal of the action entitled *Ivy Pao Jiu Ho and Ming Sen Ivan Ho, individually*
8 *and as Trustees of the Min Sen Ivan Ho & Ivy Pao Ho Family Trust, CAH Properties,*
9 *Inc., a California corporation, and KJT, Inc., a California corporation v. Bethany S.*
10 *Liou, Monterey Dynasty LLC, Diamond Creek Villa, LLC and Does 1 to 20*, pending
11 in Santa Clara Superior Court, Case No. 22CV399392 (“State Court Action”) was
12 filed with this Bankruptcy Court;

13 WHEREAS, the removed State Court Action was assigned the adversary
14 proceeding number Adv. No. 23-05009 (“Adversary Proceeding”);

15 WHEREAS, the Parties have agreed and determined that remanding this
16 Adversary Proceeding to state court is appropriate and in the best interests of judicial
17 economy and efficiency;

18 WHEREAS, the Parties desire to avoid unnecessary delay and expense
19 associated with continued litigation in the Bankruptcy Court;

20 WHEREAS, the Parties have agreed to waive any right to attorneys’ fees and
21 costs as a result of the removal; and

22 WHEREAS, the Parties reserve their right, if any, to seek attorneys’ fees and
23 costs in connection with the pending State Court Action.

24 NOW THEREFORE, IT IS HEREBY STIPULATED, between the Parties,
25 subject to the Bankruptcy Court’s approval as follows:

- 26 1. This Adversary Proceeding will be remanded to the Superior Court of
27 California, County of Santa Clara;

- 1 2. Plaintiffs and Janina M. Hoskins, Chapter 7 Trustee, will file a stipulation
2 for relief from stay in the Diamond Creek Villa LLC bankruptcy
3 proceeding, Case No.: 22-51125, to allow the Parties to proceed to final
4 judgment against non-debtor defendants in the State Court Action;
5 3. Plaintiffs retain their claims against the Debtor in the pending Diamond
6 Creek Villa LLC bankruptcy proceeding, Case No.: 22-51125; and
7 4. Each party shall bear their own attorneys' fees and costs as a result of the
8 removal.

9 **IT IS SO STIPULATED.**

10
11 DATED: May 24, 2024

ROBBERSON SCHROEDTER LLP

By: */s/ Christine M. Fitzgerald*

MAGGIE E. SCHROEDTER, ESQ.
CHRISTINE M. FITZGERALD, ESQ.
Attorneys for Plaintiffs
IVY PAO JIHU HO, MING SEN
IVAN HO, CAH PROPERTIES,
INC., and KJT, INC.

12
13
14
15
16 DATED: May 24, 2024

RINCON LAW LLP

By: */s/ Charles P. Maher*

CHARLES P. MAHER, ESQ.
Attorneys for Defendant
JANINA M. HOSKINS
Chapter 11 Trustee of the DIAMOND
CREEK, LLC Bankruptcy Estate

17
18
19
20
21 DATED: May 24, 2024

LELAND, PARACHINI, STENBERG,
MATZGER & MELNICK, LLP

By: */s/ Ravi D. Sahae*

STEVEN H. BOVARNICK, ESQ.
RAVI D. SAHAE, ESQ.
Attorneys for Defendant
BETHANY LIOU and
MONTEREY DYNASTY LLC